

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

RUTH MUTAHI,)	2:13cv1096
)	Electronic Filing
Plaintiff,)	
)	
v.)	Judge David Stewart Cercone
)	Chief Magistrate Judge Lisa Pupo Lenihan
DEPARTMENT OF HUMAN)	
SERVICES, ALLEGHENY COUNTY)	
OFFICE OF CHILDREN YOUTH AND)	
FAMILY, ALLEGHENY COUNTY,)	
JESSIE SCHEMM, and SHARON)	
HANLON,)	
)	
Defendants.)	

**MEMORANDUM ORDER ON DEFENDANTS'
MOTION TO DISMISS (ECF No. 5)**

The Complaint in the above captioned case was received by the Clerk of Court and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. §636(b)(1), and Local Rules of Court 72.C and 72.D.

The March 3, 2014 Report and Recommendation (ECF No. 10) recommended that the Defendants' October 3, 2013 Motion to Dismiss (ECF No. 5) be granted on jurisdictional grounds as Plaintiff's *pro se* Complaint sets forth causes of action which, on its face, are clearly jurisdictionally barred under Rooker-Feldman and/or from which this Court should abstain in accordance with the Younger doctrine. It further recommended that any opportunity to amend would be futile, given the facts of record, and the bases of liability asserted in Plaintiff's Complaint.

Service was made on all counsel of record. The parties were informed that in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.D.2 of the Local Rules of Court, that they had fourteen (14) days to file any objections. Objections to the Report and Recommendation were due on or before March 20, 2014. No further pleadings have been filed, and the time for objection has now expired.

Accordingly, after review of the pleadings and documents in the case, including the Report and Recommendation, ~~the~~ the following Order is entered:

AND NOW, this 14th day of April, 2014,

IT IS HEREBY ORDERED that the Motion to Dismiss (ECF No. 5) filed by Defendants is **GRANTED**.

IT IS FURTHER ORDERED that the March 3, 2014 Report and Recommendation (ECF No. 10) of Chief Magistrate Judge Lenihan is adopted as the Opinion of the Court.

AND IT IS FURTHER ORDERED that the Clerk of Court is directed to mark this case CLOSED.



David Stewart Cercone
United States District Judge

cc: Honorable Lisa Pupo Lenihan
Chief United States Magistrate Judge

Ruth Mutahi
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(Via First Class Mail)

Virginia Spencer Scott, Esquire
(Via CM/ECF Electronic Mail)